IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: - 19.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.239 of 2006

Gundumani @ Vedagiri ... Petitioner

vs.

1. The State of Tamilnadu
represented by the
Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2. The District Collector and
District Magistrate,
Kancheepuram District,
Kancheepuram.

3. The Superintendent of Central Prison,
Central Prison, Chennai-600 003. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of Writ of Habeas Corpus to call for the records pertaining to the detention order in B.D.F.G.I.S.V.No.06/2006, dated 18.02.2006, passed by the second respondent herein, quash the same, direct the respondent to produce the body of the person of the detenu namely Gundumani @ Vedagiri, son of Chellan, before Court now detained under Section 2(3) of the TPDA Act 14/82 in the Central Prison, Chennai and set him at liberty.

For Petitioner : Mr.S.Palanikumar

For Respondents : Mr. M.Babu Muthu Meeran,
Addl. Public Prosecutor.

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner challenges the detention order, dated 18.02.2006, detaining him as 'Bootlegger' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

2. At the foremost, learned counsel for the petitioner submitted that pursuant to the representation dated 23.03.2006, the Government, in their Reply dated 05.05.2006, though assured to supply certain documents, the same have not been supplied. According to the counsel, due to non-supply of those documents, the detenu was prevented from making effective representation, hence, the impugned order of detention is liable to be quashed.

4. We verified the records. In the reply dated 05.05.2006, the Government, while considering the representation of the detenu dated 23.03.2006, informed that a copy of the bail application is to be served; and also communicated the letter dated 5.5.2006 to all the authorities including the Detaining Authority at Kancheepuram. In the absence of any proof that copy was supplied to the detenu as assured in the letter dated 05.05.2006, we are of the view that the detenu was handicapped in making effective representation. On this ground, the detention order is liable to be quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

Sd/-
Asst. Registrar.

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/true copy/

Sub Asst. Registrar.

JI.

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To
1. The Secretary to Government, Prohibition and Excise Department, Fort St. George, Chennai 600 009.
2. The District Collector & District Magistrate, Kancheepuram Dt.
3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.
+ 1 CC To Mr. S.Palanikumar, Advocate SR NO. 25623

HCP. No.239 of 2006
19.06.2006.

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